

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

05 MAR -9 AM 11:00

CLERK-SANTA FE

69cv07941 BB-ACE

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla,
Rio Brazos, Rutherford & Plaza Blanca,
Cañones Creek, Village of Chama

**PROOF OF PUBLICATION
OF NOTICE OF PENDENCY OF SUIT**

COMES NOW plaintiff State of New Mexico, *ex rel.* State Engineer, and hereby files proof of publication of the Notice of Pendency of Suit issued by the Clerk of this Court on January 7, 2005, for purpose of service by publication on the following persons, if living, if deceased, their unknown heirs:

CARLOTA L. MARTINEZ ESTATE, JOSE P. GALLEGOS ESTATE, JOSE VIDAL ULIBARRI ESTATE and ALL UNKNOWN CLAIMANTS OF INTEREST TO SURFACE WATERS FOR IRRIGATION PURPOSES IN THE RITO DE TIERRA AMARILLA, RIO BRAZOS, RUTHERON & PLAZA BLANCA, CAÑONES CREEK, AND VILLAGE OF CHAMA SUBSECTIONS OF THE RIO CHAMA STREAM SYSTEM (SECTION 7).

Attached as Exhibit A is a February 10, 2005 Affidavit of Publication signed by Robert Trapp, publisher of the Rio Grande Sun.

DATED: March 4, 2005

Respectfully submitted,



EDWARD G. NEVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

CERTIFICATE OF SERVICE

I hereby certify that copies of the above Proof of Publication of Notice of Pendency of Suit were mailed to following persons on March 7, 2005.



Edward G. Neville

RIO CHAMA SECTION 7 SERVICE LIST

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager.
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

Bradley S. Bridgewater, Esq.
David W. Gehlert, Esq.
USDOJ-ENRD
999 18th St., Suite 945
Denver, CO 80202

John W. Utton, Esq.
Shcehan, Sheehan & Stelzner PA
P.O. Box 271
Albuquerque, NM 87103-0271

Paula Garcia
NM Acequia Association
607 Cerrillos Road, Suite F
Santa Fe, NM 87505

Benjamin Philips, Esq.

John F. McCarthy, Jr., Esq.
Rebecca Dempsey, Esq.
White, Koch, Kelly & McCarthy PA
P.O. Box 787
Santa Fe, NM 87504-0787

Lester K. Taylor, Esq.
Susan G. Jordan, Esq.
Nordhaus, Haltom, Taylor, Taradash
& Bladh, LLP
405 Dr. Martin Luther King Ave NE
Albuquerque, NM 87102-3541

Tessa T. Davidson, Esq.
The Davidson Law Firm
P.O. Box 2240
Corrales, NM 87048

Marcus J. Rael, Jr. Esq.
500 4th Street NW, Suite 200
Albuquerque, NM 87102

Pierre Levy, Esq.
Law Offices of Daniel J. O'Friel Ltd.
P.O. Box 2084
Santa Fe, NM 87504-2084

John P. Hays, Esq.
Cassutt, Hays, & Friedman PA
530-B Harkle Road
Santa Fe, NM 87505

Daniel Cleavinger, Esq.
P.O. Box 2470
Farmington, NM 87499

Ted J. Trujillo, Esq.
P.O. Box 2185
Española, NM 87532-2185

Karen L. Townsend, P.C.
120 East Chaco
Aztec, NM 87410

NM Acequia Commission
Fred Vigil, Chairman
Depart. of Finance & Admin.
Local Government Division
Bataan Memorial Building
Santa Fe, NM 87503

Martin E. Threet, Esq.
Martin E. Threet and Associates

6605 Uptown Blvd. NE Suite 280
Albuquerque, NM 87110

Kurt J. Van Deren
Hatch, Allen & Shepherd PA
PO Box 94750
Albuquerque, NM 87199-4750

Gary S. Friedman
Cassutt, Hays & Friedman, P.A.
530-B Harkle Road
Santa Fe, NM 87505

Peter B. Shoenfeld
P.O. Box 2421
Santa Fe, NM 87504-2421

Ernest L. Padilla, Esq.
Padilla Law Firm, P.A.
P.O. Box 2523
Santa Fe, NM 87504-2523

Jeffrey H. Albright, Esq.
Cynthia A. Loehr, Esq.
Lewis and Roca Jontz Dawe, LLP
201 Third Street NW, Suite 1950
Albuquerque, NM 87501

Gary S. Friedman, Esq.
Cassutt, Hays & Friedman, P.A.
Santa Fe, NM 87505

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
STATE OF NEW MEXICO,
ex rel. State Engineer
Plaintiff,

vs
RAMON ARAGON, et al.
Defendants
69cv07941 BB-ACE

RIO CHAMA
STREAM SYSTEM
Section 7: Rito de Tierra
Amarilla, Rio Brazos,
Rutherford & Plaza Blanca,
Canones Creek, Village of
Chama

**NOTICE OF PENDENCY OF
SUIT**

The following named persons, if living, if deceased, their unknown heirs: Carlota L. Martinez Estate, Jose P. Gallegos Estate, Jose Vidal Ulibarri Estate, All unknown claimants of interest to surface waters for irrigation purposes in the Rito de Tierra Amarilla, Rio Brazos, Rutherford & Plaza Blanca, Canones Creek, and Village of Chama subsections of the Rio Chama Stream System (Section 7). GREETINGS. Please take notice that there is pending in the United States District Court for the District of New Mexico an action against you, the general purpose of which is to adjudicate all claims to rights to use the waters of the Rito de Tierra Amarilla, Rio Brazos, Rutherford & Plaza Blanca, Canones Creek, and Village of Chama subsections of the Rio Chama Stream System (Section 7). Unless you appear and defend in this matter on or before March 31, 2005, any right you may have to use the surface waters of the Rio Chama Stream System (Section 7) for irrigation purposes may be adjudicated by default judgment that conforms to the State Engineer's hydrographic surveys of the Rito de Tierra Amarilla, Rio Brazos, Rutherford & Plaza Blanca, Canones Creek, and Village of Chama subsections of the Rio Chama Stream System. The waters that are the subject of the action are located in Rio Arriba County, New Mexico. The name and address of the plaintiff's is:

Edward G. Newville
Special Assistant Attorney
General, Office of the State
Engineer, PO Box 25102,
Santa Fe, NM 87504-5102
(800) 928-3766
(505) 827-6150, (505) 867-
7444, WITNESS the hand
seal of the United States District Court for the District of New Mexico this 7th day of January, 2005
Matthew J. Dykman
District Court Clerk
/s/ By: J. Gonzales
Deputy Clerk
(Published January 20, 27,
2005, February 3, 10, 2005)

Affidavit of Publication

State of New Mexico
County of Rio Arriba

I, Robert Trapp, being first duly sworn, declare and say I am the Publisher of the *Rio Grande SUN*, a weekly newspaper published in the English language and having a general circulation in the County of Rio Arriba, State of New Mexico, and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 of the Session Laws of 1937. The publication, a copy of which is hereto attached, was

published in said paper once each week for 4 consecutive weeks and on the same day of each week in the regular issue of the paper during the time of publication and the notice was published in the newspaper proper, and not in any

supplement. The first publication being on the 20th day of

JAN 2005 and the last publication on the 10th day of FEB 2005. Payment for said advertisement has been duly made, or assessed as court costs. The undersigned has personal knowledge of the matters and things set forth in this affidavit.

Robert Trapp

Publisher

Subscribed and sworn to before me this 10th day of FEB A.D. 2005

Ruth S. Trapp

Ruth S. Trapp/Notary Public

My commission expires 17 May 2005

EXHIBIT

A